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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,030	04/24/2001	Koichi Inagaki	088941/0195	4262

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EXAMINER	
SRIVASTAVA, VIVEK	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,030	INAGAKI, KOICHI	
	Examiner	Art Unit	
	Vivek Srivastava	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5, 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al (5,699,107).

Regarding claims 1, 5 and 9 Lawler discloses a system, method and computer readable recording medium for recording and distributing programming in which the user can record a program at the headend (see col 10 lines 38 – 44). Lawler further discloses the headend comprises a first storage server (continuous media server 32) which provides the storage and delivery of digitized video information (see col 4 lines 50 – 55) and a second storage server (service and application server 30) which processes

interactive service requests from subscribers and provides services and applications associated with network security, financial access and data access. Lawler further discloses the second storage server can include a subscriber database which may store subscriber information like a user's identity, a login code which identifies different user's, a user's viewing preferences and history and various user input for use by the system at future times, and recording requests (see col 4 lines 38 – 55).

Lawler further discloses the headend receives the program data (see col 5 lines 37 – 49) and also discloses that storing the data as discussed above and thus discloses the claimed "a server carries out a recording process that receives said program data via a communication line or broadcast line from a broadcast station and stores it in said first storage device". It is noted that the broadcast station is inherently included since the program data is received and that a 'communication line' would also have been inherently to provide a line of communication from the broadcast station to the headend.

Lawler further discloses a distribution registration process that enables a user to login and record a particular program (see col 4 lines 37 – 52 and col 10 lines 38 – 44) via a communication device from the client terminal (fig 2). It is noted that since the program is recorded for the viewer at the headend and then provided or 'distributed' to the user, the registration process is a 'distribution registration process'. Lawler further discloses the second server (the service and application server) stores registration data in the form of both recording requests and login data for future distribution to the user.

Lawler discloses "...*preferably the future programs options menu would be displayed and monitored to allow a user to set a reminder for the identified program or*

to record the identified program in the same manner described in connection with the program time guide". Although Lawler suggest recording a future program, Lawler is silent on the program is broadcast from the broadcast station in the future.

Official Notice is taken it would have been notoriously well known to set a recording of a program before it is to be broadcast. For example, it would have been well known to record a future television program using a PVR, VCR etc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include enabling a user to preset a recording for a program before it is broadcast from the broadcast station to headend for the benefit of providing a user with the added convenience and flexibility of setting a recording of a program much more in advance.

Regarding claims 3 and 11, claim 3 is met by the above discussions. Claims 3 and 11 further recite "wherein said server associates and stores the storage time and program name when the program data is stored in the recording process."

Official Notice is taken it would have been well known storing the storage time and program name would provide an organized means for storing and retreiving a recorded program. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include the claimed limitation for the benefit of providing an organized and easier means for both storing and retrieving a program.

Regarding claims 4 and 11, claim 4 is met by the above discussions. Claims 4 and 12 further recite "wherein said server periodically distributes the program data

stored in said distribution process" which met by Lawler since the program stored in periodically distributed. This includes the periodically distributing programs stored by the users and NVOD programs.

Regarding claim 8, Lawler discloses a program recording and distribution method comprising the step providing a user with an option of recording a program noting that the program is recorded at the headend (see fig 5, fig 6, fig 11, fig 8 and fig 10, col 10 lines 38 – 45).

Lawler further discloses a distribution registration process that enables a user to login and record a particular program (see col 4 lines 37 – 52 and col 10 lines 38 – 44) via a communication device from the client terminal (fig 2). Regarding the steps of receiving distribution application for a program from a client, step of registering the received distribution application as distribution information and the step of distributing the recorded programs based on registered distribution information, Lawler inherently discloses the limitation of receiving distribution application since the program stored at the headend would have been distributed to the user based on a user's address or location information.

Although Lawler suggest recording a future program, Lawler is silent on the program is broadcast from the broadcast station in the future. *See claim 1 rejection above.*

Claims 2, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,699,107) in view of Kusaba et al (US 6,510,556).

Regarding claim 2, Lawler, as discussed above, discloses the claimed first storage device, second storage device, and a server that carries out a recording registration process.

Lawler fails to disclose the claimed a third storage device that stores a plurality of distribution registration data, which is the distribution information for program data stored in the second storage device and the claimed distribution process in which the program data stored in the second storage device is distributed via a communication device based on the distribution registration data stored in the third storage device.

In analogous art, Kusaba et al teaches a system in which a user can reserve a program for viewing by reserving the title of the program and a desired delivery time (see fig 4C and col 1 lines 64 – 67). It is noted that the table is a separate schedule table stored in memory 110 separate from the video data storage 102. It would have been obvious including a third memory with a system for scheduling delivery of the desired content would have also provided a user with added flexibility by enabling the user to receive the content at the desired time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kusaba to include the claimed limitation to provide the user with added flexibility.

Although Lawler suggest recording a future program, Lawler is silent on the program is broadcast from the broadcast station in the future. *See claim 1 rejection above.*

Regarding claim 6, Lawler discloses the claimed step for receiving program recording application data and step for receiving program data as discussed in above.

Lawler fails to disclose a process for receiving distribution application data for a program via a communication device from a client terminal, carrying out registration process, and storing this in a third storage device as distribution registration data and a process for distributing via a communication device program data stored in the second storage device based on the distribution registration data stored in the third storage device.

In analogous art, Kusaba et al teaches a system in which a user can reserve a program for viewing by reserving the title of the program and a desired delivery time (see fig 4C and col 1 lines 64 – 67). It is noted that the table is a separate schedule table stored in memory 110 separate from the video data storage 102. It would have been obvious including a third memory with a system for scheduling delivery of the desired content would have also provided a user with added flexibility by enabling the user to receive the content at the desired time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kusaba to include the claimed limitation to provide the user with added flexibility.

Although Lawler suggest recording a future program, Lawler is silent on the program is broadcast from the broadcast station in the future. *See claim 1 rejection above.*

Regarding claim 10, Lawler discloses the claimed process for receiving program recording application data and process for receiving program data as discussed in above. Lawler fails to disclose a process for receiving distribution application data for a program via a communication device from a client terminal, carrying out registration

process, and storing this in a third storage device as distribution registration data and a process for distributing via a communication device program data stored in the second storage device based on the distribution registration data stored in the third storage device.

In analogous art, Kusaba et al teaches a system in which a user can reserve a program for viewing by reserving the title of the program and a desired delivery time (see fig 4C and col 1 lines 64 – 67). It is noted that the table is a separate schedule table stored in memory 110 separate from the video data storage 102. It would have been obvious including a third memory with a system for scheduling delivery of the desired content would have also provided a user with added flexibility by enabling the user to receive the content at the desired time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kusaba to include the claimed limitation to provide the user with added flexibility.

Although Lawler suggest recording a future program, Lawler is silent on the program is broadcast from the broadcast station in the future. *See claim 1 rejection above.*

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haddad (US 5,555,441) – Interactive audiovisual distribution system

Fujita et al (6,507,697) – Data recording and reproduction apparatus

Payton (US 5,790,935) – Virtual on-demand system

Nishiyama et al (US 6,725,460) – Multi-media automatic delivery system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
3/4/06

VIVEK SRIVASTAVA
PRIMARY EXAMINER